IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10595 of 2007(J)

PETITIONER:

M.VELAMMAL, DISTRICT STATIONERY OFFICER,
STATIONERY DEPARTMENT, THRISSUR.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY ITS CHIEF SECRETARY,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE SECRETARY,**
   PRINTING AND STATIONERY DEPARTMENT,
   (STATIONERY WING) SECRETARIAT, GOVERNMENT OF
   KERALA, THIRUVANANTHAPURAM.

3. **THE CONTROLLER,**
   GOVERNMENT STATIONERY OFFICE,
   THIRUVANANTHAPURAM.

4. **THE PRINCIPAL SECRETARY,**
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.10595 OF 2007-J.
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Dated this the 28th day of March, 2007.

J U D G M E N T

The petitioner is on the verge of retirement. An application for correcting the date of birth in the Service Book was filed by the petitioner on 29-12-2006 followed by another representation on 22-12-2006 addressed to the Minister for Printing and Stationery.

2. The representation was transmitted to the concerned department. Thereafter Ext.P10 order dtd.19-2-2007 was issued informing the petitioner that the request made by her cannot be granted, and further, that none of the representations referred to in that application has been received in the Stationery Department.

3. The petitioner entered service in the year 1982. The date of birth of the petitioner as entered in the SSLC Book is 12-3-1952. But the transfer

certificate shows that the date of birth is 13-9-1952. As per the rules and orders, the date of birth in the Service Book is entered based on the entries in the SSLC Book. It was so done and the petitioner has been continuing in service ever since 1982.

4. On 31-12-1991 Government had issued an order in supersession of the previous orders on the subject relating to the correction of date of birth in service records stipulating terms and conditions for considering the request made by the employees for correction of date of birth entry. Among other conditions, a time limit of one year, as far as employees then in service, has been stipulated in that Government order. Therefore, the petitioner was liable to file an application before 31-12-1992 for correction of date of birth in the Service Book.

5. The petitioner has produced Exts.P3 and P4 representations addressed to the Secretary, Stationery Department and the Chief Secretary, Government of Kerala respectively. The petitioner claims that she

had filed representations on 8-9-2004, 20-7-2005, 6-2-2006 and 26-7-2006 also. These representations, according to the respondents, have not been received. Since nothing is mentioned about Exts.P3 or P4 in Exts.P6 or the later representations filed by the petitioner, the Government or the Controller of Stationery Department did not get opportunity to verify the correctness of the factual position.

6. The petitioner has produced copies of Exts.P3 and P4 as though such representations were in fact, submitted before the authorities. On going through the entire materials available on record, I have serious doubt about the bonafides of the statement made by the petitioner that Exts.P3 and P4 representations, in fact, were submitted before the respondents. It appears that the petitioner has produced Ext.P3 in order to build up a case that she had filed applications much earlier. It is not clear whether the petitioner had filed applications in between Ext.P3 dated 17-5-1991 and Ext.P4 dated 26-9-2001. In between

Exts.P3 and P5 there is a time gap of 15 years. As already stated, it is difficult to believe that the petitioner had, in fact, filed Exts.P3 or P4 representation. Whatever that be, it is a fact that, such representations never came up for consideration before the authorities. Therefore, the stand taken by the Government that the petitioner's belated request cannot be granted is only to be sustained.

7. The request made by the petitioner is liable to be rejected for yet another reason also. The very basis for the request of the petitioner to make correction in the Service Book is entry made in the Transfer Certificate, though date of birth is entered in the SSLC Book also. The petitioner did not take any action to get the entry relating to the date of birth in the SSLC Book corrected. Orders issued by the Government as far as the entries to be made in the service records are to the effect that the same shall be done based on the corresponding entries in the SSLC Book in the case of those who have passed SSLC. The

entry contained in the Transfer Certificate can have relevance only in cases where the employee concerned has not studied upto SSLC. Hence on merits also, the petitioner has no good case. The Writ petition is therefore dismissed.

K.K.DENESAN, JUDGE.

kvs/-